

# Hampton Roads Third Crossing PPTA Project

## Responses to Questions

### 1. What action will VDOT take to permit tolling of existing roads?

Virginia is one of the 15 states participating in the FHWA Value Pricing Pilot Program focused on managing congestion, and because of this Virginia will be allowed to use variable tolling on different facilities across the Commonwealth. VDOT will coordinate closely with FHWA in complying with federal and state laws in order to toll existing roads. Once a proposer is selected, VDOT will then utilize the information from the selected proposer's value pricing plan to request federal approval to permit tolling of existing roads in accordance with 23USC129. In this guideline, FHWA outlines the general provisions VDOT will be adhering to during the approval process.

### 2. Preparation of a response to the RFDP will involve significant risk to and investment by the proposer. What assurance does VDOT provide that the selected proposer will remain the selectee and that VDOT will not pursue other competition for some or all of the project in the future?

VDOT recognizes and appreciates the risk and investment imparted on both partners in our participation in the public-private partnership procurement process. However, VDOT reserves the right to cancel, withdraw, postpone or extend this RFDP in whole or in part at any time prior to the execution by VDOT of the Contract, without incurring any obligations or liabilities and will not guarantee anything more than as provided in the RFDP; the reservations of rights as listed under Section 8.0 of the RFDP; or as negotiated in a comprehensive agreement.

### 3. The proposal evaluation criteria are clear. Using these criteria, what is the basis of selection to determine which proposer will proceed to the next phase?

The detailed proposals will be evaluated by a Public-Private Transportation Advisory Panel (Advisory Panel). The Secretary of Transportation selects the panel members who will determine if proposals would promote the Commonwealth's transportation goals and advance the public interest. Representation on this panel includes but is not limited to individuals from the Commonwealth Transportation Board, VDOT's Chief Engineer and Chief Financial Officer. In addition, the Panel may contain representatives from academic institutions, Metropolitan Planning Organizations and other agencies affected by the proposal. The assessment of each proposal utilizing criteria from Section 4.0 of the RFDP will form the basis for their recommendation to the Commonwealth Transportation Commissioner. The Advisory Panel will also take into consideration recommendations by VDOT staff, who will critically evaluate each proposal, based on their specific discipline. Utilizing those recommendations, staff evaluations and in accordance with the Public Private Transportation Act and current guidelines, it will be Commonwealth Transportation Commissioner for VDOT who will make the final selection decision.

4. Section 4.1.3 addresses a preliminary plan of finance for the project. Does this include segments (1) and (2) only? Does this section imply the proposer will perform the work indicated on a fixed-price basis, but there are still financing details to work out? How accurate does VDOT expect the cost proposal to be?

Section 4.1.3 includes segments (1) and (2) only as referenced in Section 4.0.3 in the RFDP. VDOT expects the Design-build contract to be a fixed-priced contract with a fixed completion date. VDOT understands that while the detailed proposal provides VDOT with a substantial amount of information in order to make a selection, the level of project development is still preliminary. VDOT expects that each proposer will assemble their cost proposal and detailed proposal using the most current and accurate information available at the time the detailed proposal or any supplemental information is submitted for evaluation. In general terms, VDOT expects that planning level price estimates are accurate to  $\pm 20\%$ . Please note in your proposal if you anticipate the accuracy of your estimate is different.

5. The RFDP addresses performance and payment bonds. Are corporate guarantees and/or letters of credit acceptable alternatives?

Under § 2.2-4338 of the Virginia Public Procurement Act, the requirements for alternative forms of security, does not apply to VDOT. VDOT would allow the submission of corporate guarantees and/or letters of credit as acceptable alternatives only if formal evidence was provided at the submittal of the detailed proposal and at Financial Closing that each alternative form for performance guarantees prove to be liquid assets that are available to VDOT and are dedicated strictly for the referenced project.

6. Would VDOT consider changing Paragraph 6.2.2 to interpret the absence of a local jurisdiction's response as approval of the proposal?

In accordance with the current implementation guidelines, which are being utilized for the Hampton Roads Third Crossing project procurement process, VDOT must conclude the absence of a local jurisdiction's response as opposition to the proposal.

7. An investment-grade traffic and revenue study will require more than the response time allotted. Can the proposal due date be extended? Should proposers rely on the recent HRPDC/VDOT toll feasibility study data?

VDOT is not requesting an investment-grade traffic and revenue study in response to the RFDP; therefore, the proposal due date will not be extended. VDOT cannot endorse the data used for draft Regional Toll Feasibility Study presented by the Hampton Roads Planning District Commission. The referenced study is in draft form and is currently undergoing a review and comment period. Any exceptions, however, to the presentations referenced under Section 9.6.1.5 should be noted, as requested under Section 4.1.3.3.2.